



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

WALD C. MANN
ATTORNEY GENERAL

March 28, 1939

Honorable Rollie Fancher
County Attorney
Baylor County
Seymour, Texas

Dear Sir:

Opinion No. 0-291

Re: Whether under Article 2746a an
application filed by five or
more voters for a name to go
on ballot as trustee candidate
must be filed ten days before
election

We are in receipt of your telegram reading as follows:

"UNDER ART. 2746A WILL THE FIVE OR TEN DAY PER-
IOD APPLY. IF FILING WRITTEN APPLICATION TO
HAVE NAME PRINTED ON OFFICIAL BALLOT FOR THE
ELECTION OF SCHOOL TRUSTEES; WHEN FIVE OR MORE
RESIDENT QUALIFIED VOTERS IN THE DISTRICT BY
WRITTEN APPLICATION REQUEST THAT CERTAIN NAMES
BE PRINTED ON BALLOT. AND WILL SUFFICIENT TIME
ELAPSE WHEN APPLICATION IS FILED ON SUNDAY MARCH
26, WHEN THE ELECTION IS TO BE HELD THE FOLLOW-
ING SATURDAY APRIL 1ST REPLY BY WESTERN UNION
COLLECT."

The pertinent portion of Article 2746a, Revised Civil
Statutes, reads as follows:

"Any person desiring to have his name
placed on said official ballot, as a candidate
for the office of trustee of a common school
district as herein provided shall, at least ten
days before said election, file a written re-
quest with the county judge of the county in
which said district is located, requesting that
his name be placed on the official ballot, and
no candidate shall have his name printed on said
ballot unless he has complied with the provisions
of this Act; provided that five or more resident
qualified voters in the district may request that


certain names be printed. The county judge, upon receipt of such written request, and at least five days before the election, shall have the ballots printed as provided in this Act, placing on the ballot the name of each candidate who has complied with the terms of this Act, and deliver a sufficient number of printed ballots and amount of supplies necessary for such election to the presiding officer of the election at least one day before said election is to be held, said election supplies, ballots, boxes, and tally sheets to be delivered by the county judge by mail or in any other manner by him deemed best, to the presiding officer of said election in sealed envelopes which shall not be opened by the election officer until the day of the election."

As we read the above statute, the proviso that "five or more resident qualified voters in the district may request that certain names be printed" simply furnished an additional method of getting a candidate's name on the ticket. It is incorporated in the same sentence as the provision allowing a man to file his own application and where the requirement is that it be done at least ten days before the election. Some time, of course, must be given to print the ballots. The County Judge is enjoined to have the ballots printed at least five days before election. If the petition could be filed at the last moment, five days before the election, the County Judge could not perform the duty placed upon him. Furthermore, some time ought to be given to ascertain whether five or more resident qualified voters had signed the request. Five days are given to determine such matters, and to have the ballots prepared.

Our answer to your question is that the petition for a name to go on the ballot must be filed at least ten days before election.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By 
Glenn R. Lewis
Assistant

GRL:FG

APPROVED:


FIRST ASSISTANT ATTORNEY GENERAL